

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6654

ELWELL K. FORD,

Plaintiff - Appellant,

versus

MARION COUNTY SHERIFF'S DEPARTMENT; L. C.
RICHARDSON, a/k/a Bud Richardson; GENE
TURBEVILLE; J. P. BAKER; LEVON GRAVES;
LAWRENCE JOHNSON, Individually,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Patrick Michael Duffy, District
Judge. (CA-00-3978-4-23)

Submitted: August 23, 2001

Decided: August 30, 2001

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Elwell K. Ford, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Elwell K. Ford appeals the district court's order dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Ford's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Ford that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based on the recommendation. Despite this warning, Ford failed to file specific objections to the magistrate judge's recommendation.

The timely filing of objections to the magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Fed. R. Civ. P. 72(b); Wright v. Collins, 766 F.2d 841, 845-47 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140, 155 (1985). Failure to file timely specific objections shall constitute a waiver of a party's appellate review if the recommendation is accepted by a district judge. United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1985); Wright, 766 F.2d at 845-47 & nn.1-3. Ford has waived appellate review by failing to file specific objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED